

MINUTES

City of Carrollton Mayor and Council Meeting

November 2, 2009

6:00 p.m.

**Public Safety Complex, Court/Council Chambers, 115 West Center Street,
Carrollton, Georgia**

I. CALL TO ORDER

The Mayor and council met in regular session on Monday, November 2, 2009 at 6:00 p.m. at the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Garner called the meeting to order at 6:00 p.m. Members present: Mayor Wayne Garner, Councilmember Peter Balega, Councilmember Gerald Byrd, and Councilmember Mandy Maierhofer. Members absent: None. (Ward II Councilmember seat vacant). At this time, Mayor Garner explained the meeting procedures to meeting attendees.

II. INVOCATION

Councilmember Byrd offered the invocation.

III. MINUTES (September 14, 2009)

Motion by Councilmember Maierhofer, seconded by Councilmember Byrd to approve the Minutes of the September 14, 2009 Meeting of the Mayor and Council. Motion passed 4 – 0. (Ward II Councilmember seat vacant).

At this time, Mayor Garner announced a delay in consideration for Item 7: Annexation/Rezoning Request: Annex/Rezone from County to PD (Planned Development). Property Location: 1321 & 1345 Lovvorn Rd. Petitioner: Marty Orr on behalf of Prime Interest Acquisition Land Development. Mayor Garner reported that a traffic study would be performed before the request is brought to the Mayor and Council again.

IV. ITEMS OF DISCUSSION

1. Key to the City Presentation (Dean Thompson)

Councilmember Gerald Byrd announced the delay in the presentation of the Key to the City to Mr. Dean Thompson. Unfortunately, Mr. Thompson was unable to make the evening meeting of the Mayor and Council.

Councilmember Byrd presented Keys to the City to Audrey Smith (Case Manager for Carroll County Drug Court) and Rev. Diane Harris for their hard work and efforts in helping people get off drugs in Carroll County. Councilmember Byrd reported that the duo had been instrumental in the recovery of many drug addicts.

2. State Certification Award – Police Department

City of Rome Police Chief and outgoing President of the Georgia Chiefs Association Hubert “Frog” Smith presented the Georgia Law Enforcement State Certification Plaque to the City of Carrollton and Police Chief Joel Richards. Chief Smith informed the Mayor and Council of the significance of professional achievement in the Carrollton Police Department by obtaining the State Certification. In addition Chief Smith added that certification acknowledges the implementation of policies and procedures that are conceptually sound and operationally effective. Chief Smith reviewed the standards and conditions of the

Georgia Law Enforcement State Certification and congratulated Chief Joel Richards on his accomplishments within the Department.

Councilmember Byrd also expressed his appreciation to Chief Richards for his dedication to the City and he and his officer's efforts in the mentoring program at the Carrollton City School System.

3. Main Street Program Award

Planning and Zoning Administrator Charles Griffin reported to the Mayor and Council of the Georgia Downtown Association and the Georgia Department of Community Affairs announcement of winners of the annual outstanding revitalization awards in downtown developments held earlier this month. The Carrollton Main Street Program was the honored recipient of two separate awards. The "Most Creative Marketing Piece" award was in recognition of Dr. Adamson's Educational Placemats and the "Best Retail Booster" award was for our Break Away from the Chains campaign. The Mayor and Council congratulated MainStreet Director Jessica Reynolds on her great work with the Main Street Program.

**4. Rezoning Request: Rezone from R-M (Residential Multi-Family) to (Office Institutional)
Property Location: 227 Croft Street
Petitioner: Fairview Partnership, LLP**

A public hearing was held to receive citizen input from petitioner Chris Harber on behalf of Fairview Partnership, LLP to rezone property located at 227 Croft Street from R-M (Residential Multi-Family) to O-I (Office Institutional). Planning & Zoning Administrator Charles Griffin advised that the Planning Commission has recommended approval of the rezoning request for the purpose of creating one large Office-Institutional zoned property to be utilized as a medical office or similar use. At this time, Mayor Garner opened the public hearing to receive citizen input on the matter. Those speaking in favor: There were none. Those speaking opposed: There were none. At this time Mayor Garner closed the public hearing and inquired as to the wishes of the Council. **Motion by Councilmember Maierhofer, seconded by Councilmember Balega to accept the Planning Commission's recommendation and approve the rezoning of property located at 227 Croft Street from R-M (Residential Multi-Family) to O-I (Office Institutional) to be utilized as a medical office or similar use. Motion passed (4 – 0). (Ward II Councilmember seat vacant).**

**5. Special Use Permit: Waste Recycling Transfer Station
Property Location: 939 Alabama Street
Petitioner: James Morehead on behalf of
Chuck Puckett**

A public hearing was held to receive citizen input from petitioner James Morehead on behalf of Chuck Puckett for property located on 8.1 acres at 939 Alabama Street for a Special Use Permit to construct a Waste Recycling Transfer Station. PZA Griffin advised that the Planning Commission has recommended approval of the rezoning request with the following conditions:

1. The Permittee shall at all times comply with all rules and regulations promulgated by the Environmental Protection Division of the Georgia Department of Natural Resources ("EPD"), including but not limited to Ga. Comp. R. and Regs, 391-3-6-.16 ("Storm Water Permit Requirements"). Upon request by the City, the Permittee shall provide the City with a copy of the testing and inspections results.
2. At no time shall the Permittee engage in "solid waste handling" or "construct or operate a solid waste handling facility," as those terms are defined under the rules and regulations promulgated by EPD, See Ga. Comp. R. and Regs. 391-3-4-.01 and .02. Rather, any material handled by the Permittee at the site must have a known use, reuse, or recycling potential; must be feasibly used, reused, or recycled; and must

have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

3. During any given 90-day period, the amount of material that is recycled, sold, used, or reused by the Permittee must equal at least 60 percent by weight or volume of the material received during that 90-day period.

4. Upon request by the City, the Permittee must provide bills of sale or other records showing adequate proof of movement of the material in question to a recognized recycling facility or for proper use or reuse from the accumulation point.

5. Under no circumstances shall the Permittee operate a sanitary landfill or apply to or place on the land the material it receives in a manner that constitutes disposal under the rules and regulations promulgated by EPD.

6. The Permittee shall at all times be subject to and adhere to the provisions of the Code of Ordinances, City of Carrollton, Georgia relating to nuisances. See Code of Ordinances, City of Carrollton, Georgia, 50-26 et seq.

7. Hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m. and Saturdays, 7:00 a.m. to 12:00 noon.

At this time, Mayor Garner opened the public hearing to receive citizen input on the matter. Petitioner James Morehead stated that he owned and operated a roll-off company and that collected items were currently being shipped to Palmetto, which is about a forty-five minute drive from Carrollton. Mr. Morehead stated that having a recycling center in Carrollton would shorten the distance of travel and be beneficial to his company. Mr. Morehead noted that he planned to recycle dry commodities, including building debris, stumps, wood, metal, copper, aluminum, paper, cardboard, etc... Mr. Morehead also pointed out that wet garbage would not be accepted. Mr. Morehead stated that he was willing to follow all of the conditions as recommended by the Planning Commission. Those speaking opposed: There were none. At this time Mayor Garner closed the public hearing and inquired as to the wishes of the Council. **Motion by Councilmember Byrd, seconded by Councilmember Maierhofer to approve the Special Use Permit with the seven (7) conditions for the property located at 939 Alabama Street as recommended by the Planning Commission. Motion passed (4 – 0). (Ward II Councilmember seat vacant).**

**6. Rezoning Request: Rezone from R-15 (Single Family Residential) to R-M (Residential Multi-Family)
Property Location: 215 Clifton Terrace
Petitioner: Zane Hetzel on behalf of Arden International Properties, LLC**

A public hearing was held to receive citizen input from petitioner Zane Hetzel on behalf of Arden International Properties, LLC to rezone property located at 215 Clifton Terrace from R-15 (Single Family Residential) to R-M (Residential Multi-Family). PZA Griffin advised that the Planning Commission has recommended approval of the rezoning request for the purpose of operating a Personal Care Home. At this time, Mayor Garner opened the public hearing to receive citizen input on the matter. Those speaking in favor: Petitioner Zane Hetzel, 113 Lakeshore Court, Villa Rica stated the purpose of the request was to turn the existing residence into a Personal Care Home. The use of the home would be for personal care for the aged and the handicapped. Mr. Hetzel explained that the property adjacent to property that had been rezoned for the same operation and was very successful. Mr. Hetzel pointed out that the property would also be managed by the same management as the adjacent property. (Arden International Properties with Ms. Melinda Harris managing.) Those speaking opposed: There were none. At this time Mayor Garner closed the public hearing and inquired as to the wishes of the Council. **Motion by Councilmember**

Balega, seconded by Councilmember Byrd to accept the Planning Commission's recommendation and approve the rezoning request for property located at 215 Clifton Terrace from R-15 (Single Family Residential) to R-M (Residential Multi-Family). Motion passed (4 – 0). (Ward II Councilmember seat vacant).

7. At this time Mayor Garner reminded attendees of his earlier announcement of the delay in consideration of Item 7: Annexation/Rezoning Request: Annex/Rezone from County to PD (Planned Development). Property Location: 1321 & 1345 Lovvorn Rd. Petitioner: Marty Orr on behalf of Prime Interest Acquisition Land Development. Mayor Garner reported that a traffic study would be performed before the request is brought to the Mayor and Council again.

8 Consideration of Employee Christmas Gifts

CM Coleman presented a request to the Mayor and Council to consider providing a \$1,000.00 Christmas gift to each permanent fulltime employee with the exception of Department Directors. CM Coleman reminded the Mayor and Council of the current fiscal year budget that did not include a pay raise, nor the customary Christmas gift (1% of annual salary) to employees. CM Coleman reported that the City has received very good news from the City's insurance providers that the City will experience a 7% increase rather than the 15% increase the City anticipated and provided for in the budget. This decrease will equate to approximately \$200,000 in savings. CM Coleman stated City employees had worked hard to stay under budget and he believed that the general economic outlook was slightly better than it was at budget time last spring. CM Coleman added that he was extremely proud of City employees and the jobs that they do, and since raises have not been given this year, he felt the employees were deserving of the gift.

Councilmember Maierhofer and Councilmember Byrd agreed with the gift for employees and stated that they would want Department Directors to receive the same. Mayor Garner stated that he felt the gift was appropriate, adding that it had been almost two years since employees had received a pay raise. Being no further discussion, **motion by Councilmember Maierhofer, seconded by Councilmember Byrd to approve the giving of a Christmas Gift of \$1,000.00 to each permanent fulltime City employee, including Department Directors. Motion passed (4 – 0). (Ward II Councilmember seat vacant).** Mayor Garner expressed appreciation to the City employees and noted that the City was not overstaffed and that the employees offer a high level of service at minimal cost to the taxpayers, adding that the City had not experienced a millage rate increase in over 6 years.

9. Appointments: Recreation Commission (3)

Motion by Councilmember Byrd, seconded by Councilmember Balega to reappoint Anthony Fazio (term expiring October 1, 2012), Jay Gill (term expiring October 1, 2012), and Ann Fletcher (term expiring October 1, 2012) to the Recreation (CPRCAD) Commission. Motion passed (4 – 0). (Ward II Councilmember seat vacant). Mayor Garner expressed appreciation and congratulated Ann Fletcher and CPRCAD Director Wayne Gay for their efforts in obtaining national accreditation for the Carrollton Recreation Department.

At this time Mayor Garner excused himself from the meeting to accept a conference call, leaving Mayor Pro-Tem Maierhofer to preside over the remainder of the meeting.

IV. CITIZEN COMMENTS

Mr. Spidey Lee, 125 Jamey Court, Carrollton inquired to the qualifications to be Mayor and to the City transferring monies between funds. City Attorney Chuck Conerly stated that he had responded to Mr. Lee's email asking the same questions. CA Conerly noted that the Mayor is qualified to be Mayor and the transferring of monies between funds was a customary accounting practice in local governments.

Mr. Tim Clark, 130 Fairway Drive, Carrollton inquired to Mayor Garner's water and garbage adjustment received earlier in the year. CM Coleman responded that the adjustment was standard policy that would be given to anyone with a water leak and noted that garbage adjustment was given because a large dumpster

had not been picked up by the Sanitation Department when the last occupant left the building. The dumpster issue was not the fault of Mayor Garner but that of the City.

V. MAYOR AND COUNCIL ANNOUNCEMENTS

Councilmember Byrd expressed appreciation to City employees for their hard work and all the City's assistance to Valley Circle residents. Councilmember Byrd requested Valley Circle residents' patience while the City works through all the issues.

Councilmember Balega encouraged the Council to attend the next Recreation Commission meeting for which Dr. DeMayo (professor emeritus of physics at UWG) will make a presentation to the Recreation Commission on the observatory idea.

VI. CITY MANAGER ANNOUNCEMENTS

City Manager Coleman reported on the recent loss of close to one half million dollars in City infrastructure from the floods from last month. City Manager Coleman expressed his sorrow to everyone that may have suffered loss during the floods and reported that the flood devastated the residents of Valley Circle. City Manager Coleman requested patience from those residents suffering loss, adding that the City was doing everything they can to help.

VIII. ADJOURN

There being no further business to address Mayor Pro-Tem Maierhofer adjourned the meeting at 6:45 p.m.

The Agenda for Mayor and Council Meetings is available for review in the City Manager's Office, 315 Bradley Street, Carrollton, Georgia and the City's website, www.carrollton-ga.gov after 4:00 p.m. on the Friday prior to Council Meeting. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at this meeting, the City will try to accommodate you in every reasonable manner. Please call (770) 830-2000 from 8:30 a.m. to 5:00 p.m. Monday through Friday at least 48 hours prior to the meeting. A summary of Agenda items acted upon is available within 48 hours of the meeting at the address and website listed above. Minutes to any previous meeting (once adopted) are available upon request at the number listed above.